

CITY COMMISSION MINUTES

July 7, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, July 7, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Engineer Christina Cook, City Attorney Catherine Logan, and City Clerk Tricia Gowen.

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn into executive session at 7:03 p.m. to reconvene at 7:23 p.m. to discuss attorney-client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, the City Manager, the City Attorney, and Jim Snyder with BKD.

Commissioner Rhodes moved, seconded by Commissioner Taylor to reconvene into regular session at 7:23 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person.)

Bruce Jasinski, 7218 Rockwood Drive, Milford, KS inquired to what projects will be done as referenced in 11(a) under New Business with regards to Freeman Field. City Engineer, Christina Cook, explained that the projects will consist of the following:

2010	Reconstruct primary taxiway (design only)	\$4,250.00
2011	Reconstruct primary taxiway	\$42,500.00
2012	Reconstruct apron (design only)	\$4,500.00
2013	Reconstruct apron	\$45,000.00

Mr. Jasinski asked that with the current budget constraints are these projects really necessary.

CONSENT AGENDA

City Engineer, Christina Cook, informed the Commission that Item 3c has a correction. The pay estimate should be #9 to Larkin Excavating, Inc. in the amount of \$263,888.85. The project is 99% complete. The remaining amount owed is being held for seeding in the fall. The funds come from the KDOT Transportation revolving loan fund. Ms. Cook stated that there are performance and payment bonds currently in place for this project.

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **June 16, 2009**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated June 11, 2009 to July 1, 2009 in the amount of \$1,328,976.79.
- c. *The consideration and approval of **Pay Estimate #8** in the amount of \$85,285.79 by Larkin Excavating, Inc. for Construction services through May 21, 2009 for the Spring Valley Rd – McFarland Rd to Wildcat Lane project. This project is 92.7% complete as of this pay estimate.*
- d. The consideration and approval for **Pay Estimate #6** by Ebert Construction Co., Inc. in the amount of \$126,480.45 for the Spring Valley Rd – Fox Sparrow Court to Sutter Woods Rd project for construction services through June 30, 2009. This project is 99.66% complete as of this Pay Estimate.
- e. The consideration and approval of **Pay Estimate #11** by Konza Construction Co., Inc. in the amount of \$348,125.13 for Construction Services through June 30, 2009 on the Rucker Rd – Whitney to US-77 project. This project is 82.4% complete as of this pay estimate.
- f. The consideration and approval of **Pay Estimate #5** in the amount of \$20,895.65 by HWS for Professional Services through May, 30 2009 on the Spring Valley Rd – Fox Sparrow Ct to Sutter Woods Rd project.
- g. The consideration and approval for **Pay Estimate #15** by Walters-Morgan Construction, Inc in the amount of \$105,535.92 for Construction services through May 20, 2009 on the K-57 Channel & Pedestrian Trail Improvements Project. The project is 100% complete.
- h. The consideration and approval of **Pay Estimate #22**, in the amount of \$17,411.06, by BG Consultants for Construction Management services through May 31, 2009 for the Rucker Rd – US-77 to Whitney project.
- i. The consideration and approval of **Payroll #12 and #13** for the month of June 2009.

APPOINTMENTS

- a. The Junction City Arts Council requests the appointment of **Leon Van Becelaere** to the JCAC board to fill an unexpired term that expires December 2011. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the appointment of Leon Van Becelaere to the Junction City Arts Council board to fill an unexpired term that expires December 2011. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

- a. City Engineer, Christina Cook, presented David and Sylvia Walker a special plaque for their donation of the statue at the East Chestnut Street Roundabout. Mr. Walker thanked the Commission for allowing him to do this project and that it is a start on how entrances to the City should be done.
- b. Mayor Heldstab read and presented the proclamation to declare **July 26-24, 2009 as Ward Chapel A.M.E. 138th Year Anniversary Week**. Everyone is invited to Ward Chapel at any time.

PUBLIC HEARINGS

Police Chief, Bob Story, informed the Commission that the Justice Assistance Grant is awarded annually through the State. The City has received \$26,240.00 which is two-thirds of the amount awarded. The other one-third was awarded to the County in the amount of \$17,496. The City will utilize the funds to upgrade the basic command center which encompasses the weather center, intelligence, crime mapping and training. The County will utilize the funds to upgrade the computers and software systems at the Sheriff's Department. No match is required by the City. The City is automatically awarded the funds each year; however, the City does have to submit an application each year.

Mayor Heldstab opened the public hearing for the Police Department seeking approval to apply for the 2009 Justice Assistance Grant. Mayor Heldstab closed the public hearing.

Commissioner Taylor moved, seconded by Commissioner Talley to approve to apply for the 2009 Justice Assistance Grant. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

UNFINISHED BUSINESS

- a. The consideration and approval of **condemnation of property located at 2505 S. Spring Valley Road**. Assistant City Manager, Mike Guinn, informed the Commission that the owners have been given nine months to repair the property. As of today, no repairs have been made. Nor have any permits been pulled for the property. Mr. Guinn stated that City staff recommends the Commission move forward with the condemnation process. Mr. Larry George, owner, informed the Commission that he has signed a contract with Anders Construction to begin work on July 7th to fix the roof and clean the stone. The work is expected to be completed by October 2009. The tear off of the roof has been done, the scaffolding is up and the power washing has begun. Mr. George requested the Commission grant him an extension to October. Mr. George stated that he will speak to the City staff with zoning issues and safety issues. Commissioner Taylor asked Mr. George to explain his comment. Mr. George replied that there could be several opportunities for the property based on the zoning options and he plans to speak to the City Engineer with safety issues. Commissioner Rhodes inquired as to why Mr. George had not kept the Commission informed of his progress. Mr. George stated that he had sent several emails; however, he had not received any response acknowledging his emails. Commissioner Taylor moved, seconded by Commissioner Johnson to approve an extension of time for 90 days (October 7, 2009) for the property located at 2505 S. Spring Valley Road to make the required repairs. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- b. The consideration and approval of **condemnation of property located at 701 Chicago**. Assistant City Manager, Mike Guinn, informed the Commission that as of July 6th, no permits had been pulled for this property, nor have any improvements been made. Mr. David Clemet, owner, informed the Commission that he was unable to begin the repairs until April of this year. Upon returning to town, he had to repair 200 feet of fence that had been blown down by a storm. Mr. Clemet stated that he has completely redone the side of the building that can be seen from East 6th Street. He has boarded the windows on the East 6th Street side of the building and has replaced a door. The other windows have screens and there is no access to the building. He has bought the paint, window materials and roof materials. He works on the house by himself; he can not afford to hire a contractor. Commissioner Johnson inquired if Mr. Clemet had pulled any permits. Mr. Clemet stated that he hasn't because none of the work he has done to this point has required a permit. Commissioner Taylor stated that he was disappointed that Mr. Clemet was not further along and he is

concerned that Mr. Clemet will not be able to complete the repairs if another event such as a storm occurs again. Mr. Clemet stated that if he has to, he'll hire someone to finish the repairs. Mr. Clemet requested the Commission grant an extension of three months. Mr. Clemet stated that he has not seen any of the inspectors during the past nine months. Mayor Heldstab responded that if there isn't any reason to pull a permit, the inspectors do not have any reason to be there. Commissioner Johnson moved, seconded by Commissioner Taylor to approve an extension of time for 90 days (October 7, 2009) for the property located at 701 Chicago to make the required repairs. Ayes: Heldstab, Johnson, Taylor. Nays: Rhodes, Talley. Motion carried three to two.

NEW BUSINESS

- a. The consideration and approval to proceed with **design and construction projects at Freeman Field** utilizing FAA funds at a 95% FAA to 5% City match, making an estimated cost of \$96,250.00 to the City over a four year period. City Engineer, Christina Cook, informed the Commission that the following projects are included on the project list:

2010	Reconstruct primary taxiway (design only)	\$4,250.00
2011	Reconstruct primary taxiway	\$42,500.00
2012	Reconstruct apron (design only)	\$4,500.00
2013	Reconstruct apron	\$45,000.00

Ms. Cook stated that the City received \$150,000 in FAA entitlement funds to utilize for Freeman Field. The City is not penalized for not using the entitlements funds. The entitlement funds can not be used for the City's 5% match. Commissioner Rhodes moved, seconded by Commissioner Talley to approve with proceeding with the design and construction projects at Freeman Field utilizing FAA funds at a 95% FAA to a 5% City match, with an estimated cost of \$96,250.00 to the City over a four year period. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- b. The consideration and approval of **R-2527** to place nineteen (19) HPS Street Lights on Rucker Road. City Engineer, Christina Cook, informed the Commission that the cost of the street lights will be \$7.80 per month for the 100W HPS lights and \$8.31 for the 150W HPS lights. The wiring for the lights will be underground. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve R-2527 to place nineteen (19) HPS Street Lights on Rucker Road. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- c. The consideration and approval to accept the proposal from **Hi-Plains Sand, Inc to Chip Seal** various gravel roads and parking lots in Junction City. **REMOVED FROM THE AGENDA.**

- d. The consideration and approval of **R-2560** a Resolution declaring it necessary to appropriate private property for the use of the City of Junction City, Kansas, for the widening and construction of street improvements to Rucker Road and Spring Valley Road within the City of Junction City, Kansas. City Attorney, Katie Logan, informed the Commission that this is the first step in the eminent domain process. City staff has been unable to reach an agreement with the owners of the property, Mr. and Mrs. Bruce Johnson. City Manager, Rod Barries, stated that this project has the potential to be a part of the stimulus package and that it is important to have access for the project. Commissioner Johnson stated that he is opposed to buying more property for roads. Ms. Logan stated that the second step in this process is for the Commission to approve an ordinance authorizing the eminent domain. Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2560 declaring it necessary to appropriate private property for the use of the City of Junction City, Kansas for the widening and construction of street improvements to Rucker Road and Spring Valley Road within the City of Junction

City, Kansas. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: None. Abstentions: Johnson. Motion carried four to zero with one abstention.

- e. The consideration and approval of **S-3063** an ordinance adopting the recommendation of the Junction City/Geary County Metropolitan Planning Commission (MPC) to rezone property at 116 East 16th Street in Junction City, Kansas, from Multiple-Family Residential (RM) District to Service Commercial Restricted (CSR) District. David Yearout informed the Commission that the MPC recommends the acceptance of the rezoning request. Mr. Yearout confirmed that everything east of this property is residential. Commissioner Taylor asked Mr. Yearout to explain why the rezoning was requested. Mr. Yearout stated that the property owners want to pave the land into a parking lot and use for additional storage and potentially build a structure on it in the future. The proposed usage matches the zoning. There have not been any objections from the public. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve S-3063 adopting the recommendation of the Junction City/Geary County Metropolitan Planning Commission (MPC) to rezone property at 116 E. 16th Street, Junction City, Kansas from Multiple-Family Residential (RM) District to Service Commercial Restricted (CSR) District. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried four to one.
- f. The consideration and approval to **sell property** that has been obtained for various reasons by the City of Junction City: 136 E. 3rd, 126 W. 11th, 836 W. 11th, 203 E. 17th, 204 E. 11th, 206 E. 11th, and 208 E. 11th. Assistant City Manager, Mike Guinn, informed the Commission that these properties were bought for Self Help Housing, condemnation, etc. Mr. Guinn stated that the City requests permission to seek sealed bids. The Commission has the authority to reject any of the bids that are received. Mayor Heldstab requested that the Commission vote separately on the property at 136 E. 3rd. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the sale of 136 E. 3rd Street. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Abstentions: Heldstab. Motion carried four to zero with one abstention. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the sale of property by the City of Junction City located at 126 W. 11th, 836 W. 11th, 203 E. 17th, 204 E. 11th, 206 E. 11th, and 208 E. 11th. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- g. The consideration and **approval to submit an application** for permit to appropriate water for beneficial use for Well #19. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the submission of an application for permit to appropriate water for beneficial use for Well #19. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

COMMISSIONER COMMENTS

Commissioner Taylor expressed condolences to David Alexander and his family for the loss of his son. Commissioner Taylor apologized for missing the June 16th meeting; he had to fulfill a contract with the university to take a group of students to Europe.

Commissioner Johnson stated that the budget process has begun and from what he has heard, there aren't any citizens who want their taxes to increase. He stated that he wants to see a lot of public input on the budget. He is all for capping budgets where they are. He stated that public input is needed. Commissioner Taylor inquired if the department head budget presentation schedule could be put on channel 3. City Manager, Rod Barnes, stated that the scheduled will be added to channel 3 and added to the City's web site.

Commissioner Talley congratulated Junction City on a fine Sundown Salute celebration. He has heard great comments about the event. He appreciates all of the staff's time as well as all of the volunteers. Commissioner Talley inquired whether the pre-meeting was necessary.

He stated that he doesn't feel it is necessary to hold the pre-meeting and made a motion to eliminate the pre-meeting. City Attorney, Katie Logan, stated that the Commission had closed the action portion of the meeting; however, the item can be put on the next agenda if the Commission chooses. Mr. Barnes stated that the pre-meeting is open to the public; it is just held in the conference room. Commissioner Talley requested that this item be added to the July 21st agenda.

Commissioner Rhodes echoed Commissioner Talley's comments regarding Sundown Salute; it was an excellent experience. He thanked the Sundown Salute Committee, the volunteers, and the downtown businesses that were affected.

Mayor Heldstab also echoed the comments about Sundown Salute. He stated that Rod Barnes and Bob Story have been the co-chairs of the Sundown Salute Committee for the past eight years. Mr. Barnes is stepping down from that role. Mayor Heldstab stated that he appreciates all of their hard work with the Sundown Salute. Mayor Heldstab also stated that he appreciated Manager General Brooks and all of the soldiers that participated in the parade.

STAFF COMMENTS

City Manager, Rod Barnes, stated that the budget hearings will be held July 13th, 14th, 15th and 16th. The outside agencies will present to the Commission on July 15th. The staff has been directed to create a 2010 budget that remains the same as 2009 or less. Mr. Barnes stated that the staff is putting together a report on the check to American Dream Development regarding the check that was written to them for a refund of taxes and special assessments. Mr. Barnes thanked all of the staff and volunteers who assisted with Sundown Salute.

EXECUTIVE SESSION

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn into executive session at 8:28 p.m. to reconvene at 8:43 p.m. to discuss attorney-client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, the City Manager, the City Attorney, and Jim Snyder with BKD.

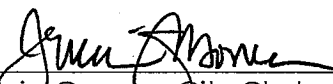
Commissioner Taylor moved, seconded by Commissioner Rhodes to reconvene into regular session at 8:43 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

Commissioner Rhodes moved, seconded by Commissioner Taylor to enter into negotiations with BKD relating to an objective for and independent investigation. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn at 8:44 p.m. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 21st DAY OF JULY 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JULY 7, 2009.


Tricia Gowen, City Clerk


Terry Heldstab, Mayor